

# **Board of Sumter County Commissioners**

## **Division of Planning & Development**

### **Code Compliance Department**

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## **SPECIAL MASTER HEARING July 30, 2009 @ 3:00 PM**

**Present:** Special Master R. Lee Hawkins, Jr., County Attorneys Shawn Brannagan and Matthew Foreman, Alysia Akins - Code Enforcement/Licensing Coordinator, Dwayne Ausley - Inspector, Edd Kaman - Inspector, and Lee Hartman - Chief Inspector.

Special Master Hawkins called the hearing to order at 3:03 PM and followed with the Pledge of Allegiance.

Attorney Brannagan moved to enter the minutes of the Special Master Hearing from 6/25/09 into the record.

### **OLD BUSINESS:**

The following case received an Affidavit of Non-Compliance:  
CE2009-0157/Beard

The following case received an Affidavit of Compliance:  
CE2009-0025/Page

The following cases received Affidavits of Compliance with staff costs due:  
CE2008-0362/Saker  
CE2008-0509/Phelps  
CE2009-0020/Cedar Acres, Inc.  
CE2009-0028/Jumper Creek Joint Venture

The following case was tabled from the 6/25/09 Special Master Hearing; however, received an Affidavit of Pre-Hearing Compliance:  
CE2008-0379/Nicholson

Mr. Ausley, Mr. Kaman, and Mr. Hartman were sworn in.

### **1) Case #: CE2009-0156**

Name: Dorothy M. Olsen c/o Sue Graham

Address: 2396 CR 401C, Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **TABLED FROM 6/25/09 - HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 4/7/09. The property has homestead exemption. Mr. Ausley's last visit to the property was on 7/30/09, and the property was still in violation. Mr. Ausley submitted photos of the violations taken on 7/30/09.

Mr. Ausley recommended staff costs in the amount of \$566.38 be paid and the property be brought into compliance by 8/10/09 by mowing and maintaining the property. If not, a \$25 daily fine should be assessed for each and every day the property remains in violation. Attorney Brannagan recommended the date for compliance be changed to within 10 days of the date of the Order, in which Mr. Ausley agreed.

Special Master Hawkins found the property in violation and ordered the Respondent to bring the property into compliance by mowing the grass and paying staff costs in the amount of \$566.38 within 10 days of the date of the Order. If not, a \$25 daily fine will be assessed for each and every day the property remains in violation.

#### **NEW BUSINESS:**

The following cases received Affidavits of Pre-Hearing Compliance:

CE2009-0021/Conley

CE2009-0171/Batterbee

**1) Case #: CE2009-0011**

Name: Shelly Creach

Address: 9027 CR 647D, Bushnell

Violation: 6-104(3)

Inspector: Edd Kaman

Recommendation: **TABLE TO 8/27/09 HEARING**

Staff recommended tabling this case to the 8/27/09 hearing due to the Respondent still recovering from a vehicle accident, in which Special Master Hawkins concurred and advised staff to prepare a current Notice of Hearing to be sent to the Respondent.

**2) Case #: CE2009-0223**

Name: Darryl Green

Address: 3988 SE 108<sup>th</sup> Lane, Webster

Violation: several

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

The Respondent's brother, Richard Hicks, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 5/29/09. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 7/30/09, and the property was still in violation. Mr. Kaman submitted photos of the violations taken on 7/30/09.

Mr. Kaman explained the violations:

- 13-E.3.1.2 SHC 305.16.1/16.2 - roof leaking
- 13-E.3.1.2 SHC 305.3.1/3.2 - roof leaking
- 13-E.3.1.2 SHC 302.1 - broken p-traps
- 13-E.3.1.2 SHC 303.4 - bare electric wires on fixtures
- 13-E.3.1.2 SHC 305.20 - interior doors inoperable
- 13-E.3.1.2 SHC 305.13 - no screens on windows
- 13-E.3.1.2 SHC 305.10 - inoperable windows
- 13-E.3.1.2 SHC 305.11.1 - exterior doors inoperable
- 6-104(4) - some inoperable vehicles have been removed

Mr. Kaman recommended staff costs in the amount of \$361.06 be paid and the property be brought into compliance by making all necessary repairs and removing all inoperable vehicles in violation within 2 weeks of the date of the Order. If not, a \$25 daily fine should be assessed for each and every day the property remains in violation.

Mr. Hicks testified that his brother, Respondent, rents out the dwelling on the property and is aware of the repairs that need to be made. Mr. Hicks testified the previous tenant caused some damage to the dwelling. Mr. Hicks also testified Mr. Green is trying to sell the property, in which Mr. Hicks would like to purchase and requested sufficient time to make the required repairs. Mr. Hicks testified the property is vacant at this time and he has removed some of the inoperable vehicles and mowed the grass. Mr. Hicks testified he has been unable to gain access to the dwelling since the previous tenant still has the key. Mr. Hicks testified the tenant caused damage to the doors and sewer. Mr. Hicks requested a time frame of 60 days in order to purchase the property and begin the required repairs, in which Attorney Brannagan recommended 60-90 days for the property to be found in compliance.

Attorney Brannagan informed Mr. Hicks if the property is found in violation by the Special Master, the Order to Comply will stay with the property and the responsibility will transfer to the new owner. Special Master Hawkins stressed the need for the property to remain vacant until the necessary repairs are made and for the dwelling to be secured.

Special Master Hawkins found the property in non-compliance of all violations as submitted and ordered the property to remain vacant until all violations are corrected and staff costs in the amount of \$361.06 to be paid within 60 days. If not, a \$25 daily fine will be assessed for each and every day the property remains in violation.

The following violations were ordered to be complied with as follows:

- 1 week to ensure the electric service is disconnected, secure the dwelling, and replace the locks
- 60 days to begin making the required repairs
- 180 days to complete the necessary repairs

**3) Case #: CE2009-0196**

Name: Sherlyn Godwin & Raymond Sheets

Address: 6359 CR 154B, Wildwood

Violation: 13-51(A)(2)(A) & 13-E.3.1.2 SHC 307.4

Inspector: Lee Hartman

Recommendation: **HEAR CASE**

The Respondent, Sherlyn Godwin-Lewis, was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 5/12/09. The property has homestead exemption. Mr. Hartman's last visit to the property was on 7/30/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 7/30/09 into the record. Mr. Hartman testified an addition had been constructed without the required building permits. Mr. Hartman also testified the original violation of 13-E.3.1.2 SHC 307.4 can not be proved due to a 6' high privacy fence on the property.

Mr. Hartman recommended the Respondents bring the property into compliance within 2 weeks by removing or permitting the addition and paying staff costs in the amount of \$310.64. If not, a \$100 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Mrs. Godwin-Lewis testified there is no one residing in the RV on the property; however, this was not an issue of concern. Mrs. Godwin-Lewis testified the alleged addition is enclosed; however, she utilizes it as a porch.

Special Master Hawkins found the property in violation due to the addition being constructed without proper permits. The Respondents were ordered to bring the property into compliance by removing or permitting the addition and paying staff costs in the amount of \$310.64 within 2 weeks of the date of the Order. If not, a \$100 daily fine will be assessed until the property is found in compliance and costs are paid.

There was no other business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:43 PM.